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# United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

## NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the insecticide act]

1312-1340

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 5, 1934]

**1312. Misbranding of Qua-Sul. U. S. v. 12 Gallon Cans and 26 Quart Cans of Qua-Sul. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1532. S. no. 222.)**

This case involved a shipment of Qua-Sul that was labeled with false and misleading claims as to its effectiveness as a control for certain fungi and insects, and as a plant stimulant.

On November 17, 1930, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 gallon cans and 26 quart cans of Qua-Sul at Philadelphia, Pa. It was alleged in the libel that the article had been shipped in interstate commerce on or about January 29, 1930, by A. R. Gregory, from San Francisco, Calif., to Philadelphia, Pa., and that it was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The libel charged that the article was misbranded in that the following statements on the can label, "Qua-Sul Mildew-Fungus-Peach Leaf Curl and Soil Treatment \* \* \* For Certain Mildews, Rusts and Blights Spray with solution of one gallon Qua-Sul to 100 to 200 gallons of water \* \* \* Flower Beds and Hot Houses \* \* \* As a soil sweetener and cleanser water occasionally with a weak solution of Qua-Sul (1 gallon to 250 gallons of water). This treatment is recommended to increase verdure and depth of color. \* \* \* Soil Treatment Generally For certain fungus spores and insect eggs in the soil, use a stronger solution. We recommend the application of one gallon Qua-sul to 100 gallons of water", were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, since they represented that the article, when used as directed, would be effective against all fungi, mildew, and peach leaf curl; would be effective for all soil treatment; would be satisfactorily effective against the more important mildews, rusts, and blights of plants; would in all cases increase the verdure and depth of color of plants in flower beds and hothouses; and would effectively control the insect eggs that are commonly found in the soil; whereas the article, when used as directed, would not be effective against all fungi, mildew, and peach leaf curl; would not be effective for all soil treatments; would not be satisfactorily effective against the more important mildews, rusts, and blights of plants; would not in all cases increase the verdure and depth of color of plants in flower beds and hothouses; and would not effectively control the insect eggs that are commonly found in the soil.

On April 9, 1934, the sole intervener having withdrawn its claim and answer, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1313. Misbranding of Reade's Antiseptic Animal Soap. U. S. v. Reade Manufacturing Co. Plea of guilty. Fine, \$25. (I. & F. no. 1585. Dom. no. 37962.)**

This case was based on a shipment of Reade's Antiseptic Animal Soap which was labeled with false and misleading representations as to its effectiveness as an antiseptic and germicide, as a control for vermin, as a treatment for skin troubles, and as a soap for keeping the skin and hair healthy through alleged antiseptic and germicidal properties.

On April 7, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Reade Manufacturing Co., a corporation of Jersey City, N. J., alleging shipment by said company on or about August 22, 1931, from the State of New Jersey into the State of Pennsylvania, of a quantity of Reade's Antiseptic Animal Soap which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the article was misbranded in that the following statements appearing on the carton and can labels and in a circular shipped with the article, (cartons) "Reade's Antiseptic Animal Soap", (can labels) "Reade's Antiseptic Animal Soap. \* \* \* Try this antiseptic soap as a head shampoo \* \* \* Used regularly, this soap keeps the skin and coat in a \* \* \* healthy condition, free from vermin \* \* \* It also imparts a beautiful gloss to the coat. \* \* \* The antiseptic and germicidal properties of this soap are helpful in preventing skin troubles such as mange and eczema", (circulars) "Reade's Antiseptic Animal Soap \* \* \* Keeps skin, \* \* \* healthy. Makes coat soft and glossy. \* \* \* who has been using and recommending this antiseptic soap to his clientele for many years. \* \* \* Try it the next time you shampoo and you will experience that delightful sensation which comes only with antiseptic cleanness. \* \* \* to prevent skin troubles such as mange and eczema. Used regularly, Reade's Antiseptic Animal Soap will keep your pet's skin in a \* \* \* healthy condition. \* \* \* Leave lather on for several minutes to kill \* \* \* vermin. \* \* \* For skin troubles", were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since the article, when used as directed, would not act as an antiseptic and germicide; would not keep animals' skins healthy and make their coats soft and glossy; would not prevent all skin troubles such as mange and eczema; would not effectively treat all skin troubles; and would not be effective for all types and varieties of vermin.

On May 3, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1314. Adulteration and misbranding of Merax M. S. Mercury Cyanide Solution and Merax Sterilizing Solution. U. S. v. Merax, Inc. Plea of guilty. Fine, \$60. (I. & F. no. 1610. Dom. nos. 22644, 32752.)**

This case was based on interstate shipments of products which were fungicides within the meaning of the Insecticide Act of 1910. Analysis of the mercury cyanide solution showed that it was not a mercury cyanide solution, since it contained borax; it contained smaller proportions of mercury cyanide and mercury than declared; and the labels contained false and misleading representations as to its effectiveness as a sterilizing agent. Analysis of the sterilizing solution showed that it contained less mercury than declared on the label. Both products failed to bear on the labels statements of the inert ingredients present.

On July 27, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Merax, Inc., a corporation, Portland, Oreg., alleging shipment by said company on or about February 28, 1931, from the State of Oregon into the State of California, of a quantity of Merax Sterilizing Solution, and on or about February 13, 1932, from the State of Oregon into the State of Washington, of a quantity of Merax M. S. Cyanide Solution which were adulterated and misbranded.

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, since the mercury cyanide solution was labeled "Mercury Cyanide 2.63% Actual Mercury Content 2.05%", and contained mercury cyanide in a proportion much less than 2.63 percent, and actual mercury content in a proportion much less than 2.05 percent; and the sterilizing solution was labeled "Contains 2% Mercury", and contained much less than 2 percent of mercury.

Misbranding of the articles was alleged for the reason that the respective statements, "Mercury Cyanide 2.63% Actual Mercury Content 2.05%", and



"Contains 2% Mercury", appearing on the labels, were false and misleading, and by reason of the said statements the articles were labeled so as to deceive and mislead the purchaser. Misbranding of the mercury cyanide solution was alleged for the further reason that the following statements appearing on the label, "Mercury Cyanide Solution A Sterilizing Solution for Surgical and Dental Instruments Merax is a \* \* \* germicide. Directions To make solution; put one part of Merax into ten parts of water and mix thoroughly. Merax may be used undiluted because it is non-irritating and non-corrosive. To Sterilize: cutting instruments, cystoscopes, bougies, sounds, rubber catheters, urethral catheters, rubber gloves, needles, syringes, dental handpieces, scalers, brushes, etc., first clean the instruments thoroughly the same as you would for boiling; then immerse in the solution from one to five minutes, after which they are ready for use. Cutting edges and articles of rubber are not impaired by the solution, diluted or undiluted. \* \* \* Do not sterilize aluminum instruments in Merax", were false, misleading, and deceptive, since they represented that the article was a mercury cyanide solution, a sterilizing solution, and a germicide for surgical and dental instruments; whereas it was not a mercury cyanide solution but was a solution of mercury cyanide and borax, it was not a sterilizing solution, and was not a germicide for surgical and dental instruments.

Misbranding of both products was alleged for the further reason that they consisted partially of inert substances, i. e., substances other than mercury cyanide, that is to say, substances that do not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage of each of the inert substances or ingredients present in the articles were not stated plainly and correctly on the bottle labels; nor, in lieu thereof, were the name and percentage amount of the substances, or ingredients of the articles having fungicidal properties, and the total percentage of the inert ingredients stated plainly and correctly on the labels.

On June 20, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$60.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1315. Adulteration and misbranding of Khylex. U. S. v. 14 Cases of Khylex. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1626. Sample no. 30363-A.)**

This case involved a product intended for use as a fungicide, which contained a smaller percentage of sodium hypochlorite, the active ingredient, and a larger proportion of inert ingredients than declared on the label.

On May 22, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 14 cases, each containing 24 bottles of Khylex, at Washington, D. C., alleging that the article had been sold on or about February 11, 1933, by the Khylex Chemical Co., of Alexandria, Va., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

It was alleged in the libel that the article was adulterated in that the statements, "Active Ingredient Sodium Hypochlorite 5% Inert Ingredients, 95%", borne on the bottle label, represented that the standard and quality of the article were such that it contained an active ingredient, sodium hypochlorite, in the proportion of not less than 5 percent, and contained inert ingredients, i. e., substances that do not prevent, destroy, repel, or mitigate fungi (bacteria) in the proportion of not more than 95 percent, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, since it contained much less than 5 percent of sodium hypochlorite and more than 95 percent of inert ingredients.

Misbranding was alleged for the reason that the above-quoted statements in the labeling were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since it contained less than 5 percent of sodium hypochlorite, and more than 95 percent of inert ingredients.

On April 13, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1316. Misbranding of Pero-Fume. U. S. v. The Perolin Company of America. Plea of guilty. Fine, \$25. (I. & F. no. 1687. Sample no. 37867-A.)**

This case was based on an interstate shipment of an insecticide, the labeling of which bore false and misleading claims as to its effectiveness in the control of insects. The article was also represented to be nonpoisonous and harmless to pets; whereas it contained mineral oil, which might have rendered its use harmful to certain pets.

On March 20, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Perolin Co. of America, a corporation, Chicago, Ill., alleging shipment by said company on or about August 11, 1933, from the State of Illinois into the State of Virginia, of a quantity of Pero-Fume, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the article was misbranded in that the statements on the label of the cans containing the article, "Pero-Fume formulated for use in The Pero-Fumer, The Automatic Electric Insect Exterminator \* \* \* One ounce of Pero-Fume per 5000 cubic feet is sufficient to kill practically all types of crawling insects if space is well closed. For flies, moths, mosquitoes, etc., a smaller dose is satisfactory, \* \* \* Non-poisonous and harmless to \* \* \* pets", were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since they represented that the article, when used as directed, was an effective insecticide against all insects, would exterminate all insects, would kill practically all types of crawling insects, and would be effective against flies, moths, mosquitoes, etc., and that it was nonpoisonous and harmless to pets; whereas the article, when used as directed, was not an effective insecticide against all insects, would not exterminate any insect, would not kill practically all types of crawling insects, and would not be effective against flies, moths, mosquitoes, etc., and the article was not nonpoisonous and was not harmless to pets.

On July 10, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1317. Misbranding of Esko Septic Generator. U. S. v. The Esko Manufacturing Co. Plea of guilty. Fine, \$25 and costs. (I. & F. no. 1631. Sample no. 24040-A.)**

This case was based on a shipment of a product labeled with false and misleading claims as to its effectiveness as a germicide.

On August 30, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Esko Manufacturing Co., a corporation, Cleveland, Ohio, alleging shipment by said company in violation of the Insecticide Act of 1910, on or about August 31, 1932, from the State of Ohio into the State of Illinois, of a quantity of an article, known as Esko Septic Generator, which was a misbranded fungicide within the meaning of said act.

It was alleged in the information that the article was misbranded in that the following statements borne on the carton label, "Germicide \* \* \* Esko is a scientifically prepared chemical compound used to destroy disease germs, to maintain the toilet in a sanitary condition and to avoid contagion resulting from the germination and spread of bacteria deposited therein \* \* \* Directions Remove cover from flush tank. Attach Esko Septic Generator by hooking it onto the upright overflow pipe, allowing it to hang immersed in the water", were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since they represented that the article, when used as directed, would act as a germicide, would destroy disease germs, would maintain the toilet in a sanitary condition, and would avoid contagion resulting from the germination and spread of bacteria deposited in toilets, whereas it would not be effective for the said purposes.

On May 21, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*



**1318. Misbranding of Ma-Tex Moth Cake. U. S. v. 395 Cakes of Ma-Tex Moth Cake. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1644. Sample no. 41604-A.)**

This case involved a product labeled with false and misleading claims as to its effectiveness as a disinfectant.

On August 10, 1933, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 395 Ma-Tex Moth Cakes at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about June 20, 1933, by the Ma-Tex Sales Co., from St. Louis, Mo., and that it was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

It was alleged in the libel that the article was misbranded in that the statement "Disinfectant", borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since it was not a disinfectant.

On March 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1319. Adulteration and misbranding of Tabako-Fumes Powder. U. S. v. Aaron H. Friedman (A. H. Friedman Tobacco Products). Plea of guilty. Sentence suspended. (I. & F. no. 1646. Sample no. 21362-A.)**

This case was based on a shipment of an insecticide that contained a smaller proportion of nicotine and a greater proportion of inert ingredients than declared on the label. The label also bore false and misleading representations as to its effectiveness against certain insects.

On November 2, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Aaron H. Friedman, trading as A. H. Friedman Tobacco Products, Brooklyn, N. Y., alleging shipment by said defendant in violation of the Insecticide Act of 1910, on or about February 6, 1933, from the State of New York into the State of New Jersey, of a quantity of Tabako-Fumes Powder which was an adulterated and misbranded insecticide within the meaning of said act.

It was alleged in the information that the article was adulterated in that the statements, "Active Ingredients—Nicotine not less than 4.07%, Inert Ingredients—not more than 95.93%", borne on the can label, represented that its standard and quality were such that it contained nicotine in a proportion of not less than 4.07 percent, and contained inert ingredients, i. e., substances that do not prevent, destroy, repel, or mitigate insects, in the proportion of not more than 95.93 percent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained much less than 4.07 percent of nicotine, and inert ingredients in a proportion much greater than 95.93 percent.

Misbranding was alleged for the reason that the statements, "Active Ingredients—Nicotine not less than 4.07%, Inert Ingredients—Not more than 95.93% Tabako-Fumes Powder \* \* \* For the treatment of Black Fly, Thrips, Green Fly, etc. a 3½-inch flowerpot filled with Tabako-Fumes is sufficient for about 4000 to 6000 cubic feet of air space", borne on the label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since it contained less than 4.07 percent of nicotine and more than 95.93 percent of inert ingredients, and the article, when used as directed, would not be effective against black fly, thrips, green fly, etc.

On November 22, 1933, the defendant entered a plea of guilty, and the court ordered that sentence be suspended.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1320. Misbranding of Medina Brand Process Copper Arsenic Dust and Medina Brand Process Blue Dust. U. S. v. New York Insecticide Co., Inc. Plea of guilty. Fine, \$100. (I. & F. no. 1665. Sample nos. 40551-A, 40552-A.)**

This case was based on interstate shipments of products which contained smaller proportions of copper sulphate as monohydrate, and total copper as metallic, and a greater proportion of inert ingredients than declared on the label.

On December 14, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in

the district court an information against the New York Insecticide Co., Inc., Medina, N. Y., alleging shipment by said company on or about May 27, 1933, from the State of New York into the State of Indiana, of quantities of Medina Brand Process Copper Arsenic Dust and Medina Brand Process Blue Dust, which were misbranded insecticides and fungicides within the meaning of the said act.

It was alleged in the information that the articles were misbranded in that the statements borne on the tags attached to the bags containing the articles, (arsenic dust) "Copper Sulphate (as monohydrate) not less than 20.0%, \* \* \* Inert Ingredients not more than 64.0%." \* \* \* Total Copper (as metallic) not less than 7.0%", and (Blue Dust) "Copper Sulphate (as monohydrate) not less than 25.0% Inert Ingredients not more than 75.0% Total Copper (as metallic) not less than 9.0%", were false and misleading, and by reason of the said statements the articles were labeled and branded so as to deceive and mislead the purchaser, since they contained total copper, as metallic, in proportions less than 7 percent and 9 percent, respectively; they contained copper sulphate as monohydrate in proportions less than 20 percent and 25 percent, respectively, and contained inert ingredients, i. e., substances that do not prevent, destroy, repel, or mitigate insects or fungi, in proportions greater than 64 percent and 75 percent, respectively.

On May 8, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1321. Adulteration and misbranding of Tobacco Powder and Double Duty Tobacco Insecticide Dust. U. S. v. Friedman Tobacco Products Corporation. Plea of guilty. Fine, \$25. (I. & F. no. 1666. Sample nos. 37599-A, 37800-A.)**

This case was based on interstate shipments of two products intended for use as insecticides, both of which contained a smaller percentage of nicotine and a larger percentage of inert ingredients than declared on the label. The labeling of one of the products bore false and misleading representations as to its effectiveness in the control of certain insects.

On December 22, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Friedman Tobacco Products Corporation, trading at York, Pa., alleging shipment by said company on or about July 12, 1933, from the State of Pennsylvania into the State of Maryland, of a quantity of Tobacco Powder, and on or about May 26, 1933, from the State of Pennsylvania into the District of Columbia, of a quantity of Double Duty Tobacco Insecticide Dust, which products were adulterated and misbranded insecticides within the meaning of the Insecticide Act of 1910.

It was alleged in the information that both products were adulterated in that the statements, "Nicotine 1.00% Inert Ingredients 99.00%", borne on the tags attached to the sacks containing the articles, represented that they contained nicotine in the proportion of not less than 1 percent, and inert ingredients, i. e., substances that do not prevent, destroy, repel, or mitigate insects, in the proportion of not more than 99 percent; whereas the strength and purity of the articles fell below the professed standard and quality under which they were sold, in that they contained less than 1 percent of nicotine and more than 99 percent of inert ingredients.

Misbranding was alleged for the reason that the statements, "Nicotine 1.00% Inert Ingredients 99.00%", borne on the tags were false and misleading and by reason of the said statements the articles were labeled and branded so as to deceive and mislead the purchaser, since they contained less than 1 percent of nicotine and more than 99 percent of inert ingredients. Misbranding of the Double Duty Tobacco Insecticide Dust was alleged for the further reason that the following statements borne on the package label, "It supplies a safe and effective method for control and destruction of \* \* \* red spider, thrips and all forms of plant lice as well as \* \* \* caterpillars \* \* \* Flowers and vegetables. Dust plants liberally with Double Duty in morning when covered with dew, or after rain or sprinkling, unless foliage is moist an insufficient quantity will adhere to it to give good results. Remember that Nicotine kills by contact, it is not an internal poison and must reach the bodies of the insects to be effective \* \* \* Scald a quantity of Double Duty in a bucket and after cooling, strain and use full strength, Double Duty will not burn or discolor foliage and may be applied freely either as a dust or spray \* \* \* Moths \* \* \* For clothing the most effective and convenient method is to



place Double Duty in small muslin sacks in pockets, or in various places in closets, in close contact with clothing. Ants. Sprinkle liberally about roots of plants and work into soil to a considerable depth, or use in liquid form about roots of plants \* \* \* A liberal coating of Double Duty applied to soil around roots and worked into it will not only destroy many forms of larvae before they hatch \* \* \* Tobacco Insecticide Powders, on account of their native nicotine contents, are well and widely known and used by florists, gardeners, farmers, and truckers in the control and destruction of all kinds of soft-bodied sucking insects", were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would destroy red spiders, all thrips, all forms of plant lice and all caterpillars; would kill all insects; would be effective against insects under all conditions; would act as a preventive of moths; would be effective against ants; would destroy many of the common forms of larvae attacking the roots of plants, and would destroy all kinds of soft-bodied sucking insects; whereas the article, when used as directed, would not be effective for the said purposes.

On January 18, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1322. Misbranding of Sun Antiseptic. U. S. v. Sun Chemical Co., Inc. Plea of nolo contendere to first count; plea of guilty to second and third counts. Fine, \$5. (I. & F. no. 1667. Sample no. 39786-A.)**

This case was based on an interstate shipment of a product which was a fungicide within the meaning of the law, and was intended for use as an antiseptic. Examination showed that the article was not an antiseptic when used as directed, that it contained an undeclared inert ingredient, and that the bottles contained less than the declared volume.

On January 20, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information in three counts against the Sun Chemical Co., Inc., Roslindale, Mass., alleging shipment by said company, on or about October 7, 1932, from the State of Massachusetts into the State of New Hampshire, of a quantity of Sun Antiseptic, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was alleged in the first count of the information that the article was misbranded in that it was in package form and the contents were stated in terms of measure on the bottles, "Contents 8 Fluid Ounces", and the measure of the contents of the bottles was not plainly and correctly stated, since they contained less than 8 fluid ounces of the article. Misbranding was alleged in the second count for the reason that the statements, "Antiseptic \* \* \* For sick-room use, Wounds, Bruises, Sores, Douche 1½ oz. to qt. of Water", borne on the bottle label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since the article, when used in the dilution of 1½ ounces to 1 quart of water, would not act as an efficient antiseptic for wounds, bruises, sores, and as a douche. Misbranding was alleged in the third count for the reason that the article consisted partially of water, an inert ingredient, namely, a substance that does not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of the said inert substance were not stated plainly and correctly, or at all, on the label; nor, in lieu thereof, were the names and percentage amounts of each substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substance so present stated plainly and correctly on the bottle label.

On February 12, 1934, a plea of nolo contendere was entered to the first count of the information, a plea of guilty was entered to the second and third counts, and the court imposed a fine of \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1323. Misbranding of Musbro Skin Ointment. U. S. v. 103 Jars of Musbro Skin Ointment. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1668. Sample nos. 21388-A, 21389-A.)**

This case involved a product, the label of which bore false and misleading claims as to its effectiveness in the treatment of mange and allied skin diseases of dogs and cats.

On November 2, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the dis-

strict court a libel praying seizure and condemnation of 103 jars of Musbro Skin Ointment at Englewood, N. J., alleging that the article had been shipped in interstate commerce, on or about May 3, 1933, by the Standard Veterinary Products Co., from New York, N. Y., and that it was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged in the libel that the article was misbranded in that the statement, "For \* \* \* Mange and allied skin diseases in dogs and cats", borne on the jar label, was false and misleading, and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, since the article, when used and applied as directed, would not be effective as a treatment for all varieties of mange and for the skin diseases indicated by the term "allied skin diseases", that affect dogs and cats. The libel also charged a violation of the Food and Drugs Act, reported in Notice of Judgment no. 22363, published under that act.

On July 20, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1324. Misbranding of oil emulsion and lime sulphur solution. U. S. v. H. A. DuBois & Sons, Inc. Plea of guilty. Fine, \$5. (I. & F. no. 1648. Sample nos. 34272-A, 34273-A.)**

This case was based on interstate shipment of products intended for use as insecticides and fungicides and which failed to bear a label containing a statement of the inert ingredients.

On September 27, 1933, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against H. A. DuBois & Sons, Inc., Gobden, Ill., alleging shipment by said company on or about March 17, 1933, from the State of Illinois into the State of Tennessee, of two drums of oil emulsion and one drum of lime sulphur solution, which were misbranded insecticides and fungicides within the meaning of the Insecticide Act of 1910. The drums were unlabeled.

It was alleged in the information that the articles were misbranded in that they consisted partially of an inert substance, water, i. e., a substance that does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of the said inert substance so present in the articles were not stated plainly and correctly, or at all, on any label affixed to the drums; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substance so present in the article stated plainly and correctly, or at all, on any label, borne on or affixed to the drums.

On October 9, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1325. Adulteration and misbranding of cresol compound solution. U. S. v. 12 Drums of Cresol Compound Solution. Consent decree providing for release of product under bond for relabeling. (I. & F. no. 1709. Sample no. 61076-A.)**

This case involved a shipment of cresol compound solution, a fungicide within the meaning of the Insecticide Act of 1910, which failed to conform to the requirements of the United States Pharmacopoeia, since it contained excessive water, tar acids other than cresols, and fatty material other than linseed oil.

On May 21, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 drums of Cresol Compound Solution at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce, on or about May 3, 1934, by James Good, Inc., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

It was alleged in the libel that the article was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold; and in that other oil had been substituted in part for linseed oil and other tar acids for cresol.

Misbranding was alleged for the reason that the statement "Cresol Compound Sol", borne on the label, was false and misleading and tended to deceive and



mislead purchasers. Misbranding was alleged for the further reason that the article consisted partially of inert ingredients, water and glycerin, and did not have the name and percentage amount of each inert ingredient plainly and correctly stated on the label; nor, in lieu thereof, did the label bear a statement of the name and percentage of ingredients having fungicidal properties and the total percentage of the inert ingredients.

A claim for the property was entered by James Good, Inc., Philadelphia, Pa. On June 28, 1934, the claimant having admitted the allegations of the libel and having consented to the entry of a decree of condemnation, judgment was entered providing that the product might be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1326. Misbranding of E-Z-Do Mothfree clothes cabinets. U. S. v. 297 E-Z-Do Mothfree Clothes Box No. 182 and 9 E-Z-Do Senior Utility Chest No. 183. Consent decree of condemnation and forfeiture. Products released under bond to be relabeled. (I. & F. no. 1692. Sample nos. 67627-A, 67628-A.)**

The products in this case consisted of two types of cardboard cabinets intended for storing clothes, each cabinet enclosing a tube containing an insecticide. Examination showed that the cabinets would not afford the moth protection claimed.

On March 28, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 297 E-Z-Do Mothfree Clothes Box No. 182 and 9 E-Z-Do Senior Utility Chest No. 183 at Newark, N. J., alleging that the articles had been shipped in interstate commerce, in part on or about February 16, 1934, and in part on or about March 5, 1934, by the Decorative Cabinet Corporation, from New York, N. Y., and charging that the article was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged in the libel that the articles were misbranded in that the statement on the labels, "Mothfree Clothes Cabinet", and the statement "E-Z-Do Mothfree Box No. 182", contained in a circular enclosed with the Number 182, were false and misleading, and by reason of the said statements the articles were labeled so as to deceive and mislead the purchaser, in that they represented that the articles would protect clothes from or against injury by moths, whereas the articles would not protect clothes from or against injury by moths.

On May 15, 1934, the Decorative Cabinet Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the products be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that the present labels be removed and new ones affixed that complied with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1327. Misbranding of Dairmol. U. S. v. Harry C. Campbell (Dairy Laboratories). Plea of nolo contendere. Judgment of guilty. Fine, \$50. (I. & F. no. 1671. Sample no. 41657-A.)**

This case was based on an interstate shipment of a product that was labeled with false and misleading representations as to its effectiveness as an antiseptic, and as a control of certain insect pests and fungous diseases of animals. The article contained an inert ingredient that was not declared as required by law.

On January 17, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harry C. Campbell, a member of a partnership trading as the Dairy Laboratories, Philadelphia, Pa., alleging shipment by said defendant on or about August 15, 1931, from the State of Pennsylvania into the State of Illinois, of a quantity of Dairmol which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the article was misbranded in that the following statements appearing on the label, "Antiseptic \* \* \* Cow Pox—Wash area with 10% Dairmol \* \* \* Injuries and diseases of Mucous Membranes in 10% solution \* \* \* Skin diseases, including many forms of eczema and mange: Apply in 10% to 20% solution \* \* \* Ab-



scessed Wounds: Syringe with 5-10% solution. Antiseptic \* \* \* Preparing Sights for Injection: Wash area with diluted Dairmol, rubbing thoroughly \* \* \* Care of Hands and Instruments: Dairmol is non-caustic and is therefore, non-irritating to the hands. A dilute solution of Dairmol cleanses, deodorizes and retains the cutting edge of instruments, causing no corrosion", "Lice and fleas on small animals \* \* \* Dairmol being particularly desirable and helpful in removing pests \* \* \* Skin Diseases, including many forms of \* \* \* mange", were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article was an effective antiseptic when used in 5 percent, 10 percent, and 20 percent solutions, for the diseases and conditions specified on the label; that it would be an effective antiseptic in dilute solutions, as specified on the label; that the article, without repeated use, would be an effective control for lice and fleas on small animals; would be effective in removing all pests; and would be effective for all varieties of mange indicated by the term "Skin Diseases, including many forms of mange"; whereas the article would not be an effective antiseptic in dilute solutions as specified on the label; it would not be an effective antiseptic, when used in 5, 10, and 20 percent solutions, as directed on the label; it was not an effective control for lice and fleas on small animals; would not be effective in removing all pests; and would not be effective for all varieties of mange indicated by the term, "Skin Diseases, including many forms of mange." Misbranding was alleged for the further reason that the article contained an inert ingredient, water, i. e., a substance that does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of the said inert ingredient so present therein were not stated plainly and correctly on the label affixed to the jacket or to the cans containing the article; nor, in lieu thereof, were the name and percentage amount of every substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substance present, stated plainly and correctly on the label.

The information also charged a violation of the Food and Drugs Act, reported in Notices of Judgment published under that act. On March 9, 1934, the defendant pleaded *nolo contendere* for the Dairy Laboratories. Judgment of guilty was entered and a fine of \$50 was imposed for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1328. Misbranding of Puro-Kake. U. S. v. 96 Cartons of Puro-Kake. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1674. Sample no. 49680-A.)**

This case involved a product that was labeled with false and misleading claims as to its effectiveness in the control of bacteria, and as an air purifier and deodorizing agent.

On December 4, 1933, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 cartons of Puro-Kake at Memphis, Tenn., alleging that the article had been shipped in interstate commerce, on or about June 7, 1933, by the Johnson Puro-Kake Products Co., from Madison, Wis., and charging misbranding in violation of the Insecticide Act of 1910.

It was alleged in the libel that the article was misbranded in that the statements on the carton, "Keeps Food in Purified Air, Controls Odors, Retards Bacteria, Prevents Mixing of Food Flavors", were false and misleading and tended to deceive and mislead the purchaser, since the article would not purify air or control all odors, or prevent mixing of food flavors, or retard bacteria.

On March 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1329. Misbranding of Ajel Cedarizer. U. S. v. B. Lichtig & Son, Inc. Plea of guilty. Fine, \$10. (I. & F. no. 1675. Sample no. 25688-A.)**

This case was based on a shipment of Ajel Cedarizer, the labels of which contained false and misleading claims as to its effectiveness as a moth repellent and preventive.

On March 1, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against B. Lichtig & Son, Inc., a corporation, trading under the name of the Ajel Manufacturing Co., Oakland, Calif., alleging

shipment by said company on or about April 26, 1932, from the State of California into the State of Oregon, of a number of small packages and large packages of Ajel Cedarizer, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the article was misbranded in that the statements, "Ajel Cedarizer. Every Closet A Cedar Chest, Keeps Moths Away", borne on the label of the small packages, and the statements, "Ajel Cedarizer. Every Closet A Cedar Chest. Keeps Moths Away Because of its full efficiency Facts about the Ajel Cedarizer Cedar is an active moth repellent. Cedar emits a vapor which moths cannot breathe, hence these insects avoid cedarladen air and thus do not lay their eggs in a cedarladen area. \* \* \* Cedar vapor is extremely effective without the offensive odor usually associated with most moth repellants. Cedar fumes are pleasant to human beings, but decidedly unfriendly to moths \* \* \* Ajel Cedarizer Every Closet A Cedar Chest Keeps Moths away because of its constant activity", borne on the label of the large packages, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would keep moths away and would prevent moths from laying their eggs on garments; whereas the article, when used as directed, would not keep moths away and would not prevent moths from laying their eggs on garments.

On March 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1330. Misbranding of Peerless Disinfectant. U. S. v. J. Wayne Perkins (Peerless Chemical Co.). Plea of guilty. Fine, \$21. (I. & F. no. 1676. Sample nos. 40963-A, 40964-A.)**

This case was based on an interstate shipment of Peerless Disinfectant in unlabeled carboys and labeled jugs. The former was a fungicide and the latter was represented to be an insecticide and fungicide. The requirement of the law that the inert ingredients present in the article be stated plainly and correctly on the label was not complied with. The label on the jugs represented that the article was nonpoisonous, whereas it was poisonous. The jug labels were further objectionable since they contained unwarranted claims as to the effectiveness of the article as a sterilizer, disinfectant, bactericide, and as a control for certain insects. The sample jug examined contained less than 1 gallon, the labeled volume.

On March 19, 1934, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against J. Wayne Perkins, trading as the Peerless Chemical Co., Des Moines, Iowa, alleging shipment by said defendant, on or about April 28, 1933, from the State of Iowa into the State of Minnesota, of a number of carboys and jugs of Peerless Disinfectant, which was misbranded in violation of the Insecticide Act of 1910.

It was alleged in the information that the article contained in the carboys was a fungicide and that the article contained in the jugs was an insecticide and fungicide and that the product in both containers was misbranded in that it consisted partially of inert substances, i. e., substances other than sodium hypochlorite, that is to say, substances that do not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of the said inert substances present in the article were not stated plainly and correctly on any label on the carboy or on the label on the jug; nor, in lieu thereof, were the name and percentage amount of the inert substances, each substance or ingredient of the article having fungicidal (bactericidal) properties and the total percentage of the inert substances contained in the article stated plainly and correctly on any label on the carboy, or on the label on the jug.

Misbranding of the product contained in the jugs was alleged for the further reason that the statement, "No Poison", borne on the label, was false and misleading and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, since the article was poisonous. Misbranding was alleged with respect to the product contained in the jugs for the further reason that certain statements on the label were false and misleading and tended to deceive and mislead the purchaser, since they represented that the article, when used as directed, would sterilize the places and things for which it was recommended on the label; would kill all bacteria in milk bottles,



cans, pails, and strainers; would disinfect when applied by sprinkling and that it was an effective disinfectant; would keep the air sweet and fresh; would disinfect drains; would disinfect animals; would disinfect cows' udders and flanks; would disinfect incubators and brooders; would cause flies to disappear; would prevent the breeding of flies and certain other insects, and that the net contents of each of the jugs was 1 gallon; whereas the article, when used as directed, would not be effective for the said purposes, and the quantity of the contents of the jugs was not 1 gallon.

The information also charged a violation of the Food and Drugs Act, reported in Notice of Judgment no. 22368, published under that act. On May 25, 1934, the defendant entered a plea of guilty to all counts of the information and the court imposed a sentence of \$21 on the three counts charging violation of the Insecticide Act of 1910.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1331. Misbranding of G. & O. Moth Deodorant Egg. U. S. v. Goulard & Olena, Inc. Plea of guilty. Fine, \$50. (I. & F. no. 1677. Sample no. 39643-A.)**

This case was based on a shipment of a product, the labels of which bore false and misleading claims as to its effectiveness in the control of moths and other insects, and as a deodorant and air purifier. The article was also represented to be positively safe in every way to human life, whereas it contained a poison.

On May 10, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Goulard & Olena, Inc., trading at Jersey City, N. J., alleging shipment by said company on or about March 11, 1933, from the State of New Jersey into the State of Massachusetts, of a quantity of G. & O. Moth Deodorant Egg, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the article was misbranded in that the statements, "Creates healthy refreshing atmosphere", "Destroys moths \* \* \* Save your \* \* \* Upholstery \* \* \* Hung in the camp or outside camp toilets they repel insects", "Positively safe in every way to human life \* \* \* G & O Moth Deodorant Eggs liberate a most pleasing refreshing and healthy vapor that instantly corrects a stale, unpleasant and unsanitary odor. Invaluable in bath, sickroom, kitchen, etc. Tobacco, cooking, poor ventilation, decayed and animal odors quickly eliminated \* \* \* Hung in the camp or outside camp toilets they \* \* \* destroy foul odors completely \* \* \* Invaluable for eliminating any kind of an unpleasant odor", borne on the cartons containing the article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since it would not create a healthy, refreshing atmosphere; the article, when used as directed, would not act as an effective insecticide against moths in upholstery, and would not repel insects in camps and in outside camp toilets; it was not positively safe in every way to human life, but did contain a poison, namely, paradichlorobenzene; and it would not liberate a healthful vapor and would not eliminate or destroy unpleasant or foul odors.

On June 5, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1332. Misbranding of All Nu Moth Spray. U. S. v. The All-Nu Products Co. Plea of guilty. Fine, \$100. (I. & F. no. 1678. Sample nos. 43522-A, 57398-A.)**

Examination of the All Nu Moth Spray involved in this case showed that it would not afford the moth protection claimed, that the bottles contained less than the declared volume, and that the label failed to bear a statement of the inert ingredient.

On May 1, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the All-Nu Products Co., a corporation trading at Camden, N. J., alleging shipment by said company on or about April 29, and June 16, 1933, from the State of New Jersey into the State of New York, of quantities of All-Nu Moth Spray, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.



It was alleged in the information that the article was misbranded in that the statements on the bottle label, "6 Fl. Ozs. \* \* \* When garments are once moth-proofed they remain so indefinitely", were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since the bottles contained less than 6 fluid ounces, namely, an average of 5.67 ounces, and the article, when used as directed, would not moth-proof articles indefinitely. Misbranding was alleged for the further reason that the article consisted partially of an inert ingredient, water, that is to say, a substance that does not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of the said inert substance present therein were not stated plainly and correctly, or at all, on the bottle label; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substance present in the article, stated plainly and correctly on the bottle label.

On May 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine a \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1333. Adulteration and misbranding of Mexogen. U. S. v. Rose Manufacturing Co. Plea of nolo contendere. Judgment of guilty. Sentence suspended. (I. & F. no. 1680. Sample nos. 10154-A, 43321-A.)**

This case was based on interstate shipments of an insecticide, known as Mexogen, that contained an inert ingredient, water, in excess of the amount declared on the label; it contained inert ingredients other than water; and the cans contained less than 1 quart, the declared volume.

On March 9, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rose Manufacturing Co., a corporation, Philadelphia, Pa., alleging shipment by said company, on or about March 2, 1932, from the State of Pennsylvania into the State of Connecticut, and on or about June 12, 1933, from the State of Pennsylvania into the State of New York, of quantities of Mexogen, which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the article was adulterated in that the statements on the can label, "Inert Ingredient—Water: 15%", represented that the standard and quality of the article were such that it contained an inert ingredient, water, in the proportion of not more than 15 percent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained water in a proportion much greater than 15 percent.

Misbranding was alleged for the reason that the statements, "Inert Ingredient—Water: 15%" and "Contents—One Quart", borne on the can label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article contained no more than 15 percent of water; that it contained water only, as an inert ingredient; and that the cans contained 1 quart of the article; whereas it contained water in a proportion much greater than 15 percent; it did not contain water only as an inert ingredient, but did contain other inert ingredients, alcohol, acetone, and the inactive portion of the pyrethrum extract; and the cans contained less than 1 quart of the article.

On March 9, 1934, the defendant entered a plea of nolo contendere, was adjudged guilty, and the court ordered that sentence be suspended.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1334. Adulteration and misbranding of Odora Cedarized Closets. U. S. v. The Odora Co., Inc. Plea of guilty. Fine, \$100. (I. & F. no. 1685. Sample no. 21367-A.)**

This case was based on a shipment of cardboard closets. Enclosed in each closet was a bag containing, among other ingredients, a volatile oil. Tests of the article showed that it would not afford complete moth protection as claimed in the labeling. The substance in the bags contained a smaller proportion of active ingredients and a larger proportion of inert ingredients than claimed.

On May 24, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Odora Co., Inc., a corporation, New York, N. Y., alleging shipment by said company, on or about April 6, 1933, from

the State of New York into the State of New Jersey, of a quantity of a product known as Odora Cedarized Closet, which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the article was adulterated in that the statements, "Active Ingredients 50%, Inert Ingredients 50%", borne on the label attached to the closets, represented that the article contained active ingredients, i. e., substances that prevent, destroy, repel, or mitigate insects, in the proportion of not less than 50 percent, and contained inert ingredients, i. e., substances that do not prevent, destroy, repel, or mitigate insects, in the proportion of not more than 50 percent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained active ingredients in a proportion much less than 50 percent, and contained inert ingredients in a proportion much greater than 50 percent.

Misbranding was alleged for the reason that the statements, "Active Ingredients 50%, Inert Ingredients 50%", "The tested ingredients contained in this scientific patented cedarizer will absolutely kill all moths and moth eggs if present when garments are stored. While the mothproof construction of this chest will keep moths out", borne on the said label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since they represented that the article contained 50 percent of active ingredients, and 50 percent of inert ingredients, and, when used as directed, would kill moths and moth eggs and would keep moths out under all conditions; whereas the article contained much less than 50 percent of active ingredients, and much more than 50 percent of inert ingredients, and, when used as directed, would not kill moths and moth eggs and would not keep moths out under all conditions.

On June 18, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1335. Misbranding of Moth Pads. U. S. v. 45 Dozen Moth Pads. Default decree of forfeiture and destruction. (I. & F. no. 1688. Sample no. 41261-A.)**

Examination of the product involved in this case showed that it would not afford the moth protection claimed.

On March 22, 1934, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 dozen Moth Pads at La Crosse, Wis., alleging that the article had been shipped in interstate commerce on or about April 26, 1933, by the Royal Manufacturing Co. of Duquesne, from Chicago, Ill., and that it was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged in the libel that the article was misbranded in that the following statements on the label, "Moth Pad a \* \* \* Moth repellant for use in the household. Remove the wrapper and moth pad starts to work immediately", were false and misleading and deceived and misled the purchaser, since the article was not a moth repellant.

On May 1, 1934, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1336. Misbranding of Marvel Bactericide Powder Sodium Hypochlorite. U. S. v. Marvel Products Co., Inc. Plea of nolo contendere. Fine, \$10. (I. & F. no. 1689. Sample no. 39239-A.)**

The product in this case consisted principally of calcium hypochlorite and sodium phosphate and was labeled "Sodium Hypochlorite." It was represented to be absolutely safe, whereas it was poisonous; it contained inert ingredients in excess of the percentage declared; and the label contained unwarranted claims for its effectiveness as a sterilizer, disinfectant, and bactericide.

On June 14, 1934, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Marvel Products Co., Inc., a corporation, Jacksonville, Fla., alleging shipment by said company, on or about August 17, 1933, from the State of Florida into the State of Georgia, of a quantity of



Marvel Bactericide Powder Sodium Hypochlorite, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the article was misbranded in that the statements on the can label, "Marvel Bactericide Powder Sodium Hypochlorite \* \* \* Absolutely Safe to the User", were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since it was not sodium hypochlorite and was not absolutely safe to the user, in that it was poisonous. The information further alleged that the following statements on the can label were false and misleading and tended to deceive and mislead the purchaser: "One level teaspoonful in four gallons of water will act as a bactericide and prevent infection if the fowls are allowed to drink no other water. It sterilizes \* \* \* milk utensils, pans, bottles, crocks and cans. All utensils that milk comes in contact with are rendered sterile \* \* \* Four Ounces of this powder, mixed with 25 gallons of water makes a solution that is recommended for a kill in from 15 seconds to two minutes full contact exposure \* \* \* After you have used the solution for killing the bacteria spray or scrub out the stables and barn, milk house and other buildings around the dairy", since the article, when used as directed, would not prevent infection from all sources, would not sterilize dairy utensils, would not kill all bacteria, would not disinfect stalls, barns, milk houses and other buildings around the dairy, and would not act as an effective disinfectant in the dilution specified. Misbranding was alleged for the further reason that the statements, "Guaranteed—Active Sterilizing Ingredients Chlorine 5%, Sodium Phosphate (Alkaline) 89%, Inert Matter, salt, etc. not over 4%", borne on the can label, were false and misleading and tended to deceive and mislead the purchaser, since the said statements represented that the active ingredients of the article were chlorine and sodium phosphate (alkaline), that the said chlorine and sodium phosphate would sterilize, and that the article would contain not more than 4 percent of inert ingredients; whereas it did not consist of chlorine and sodium phosphate but did consist of calcium hypochlorite and sodium phosphate, the active ingredients would not sterilize, and the article contained more than 4 percent of inert ingredients, namely, 6.02 percent.

The information also charged a violation of the Caustic Poison Act, reported in Notice of Judgment no. 25 and published under that act. On July 2, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$10 for both violations.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1337. Adulteration and misbranding of Niagara Kolo Nicotine Dust. U. S. v. 200 Pounds of Adulterated and Misbranded Insecticide. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1690. Sample no. 60385-A.)**

This case involved an insecticide that contained less nicotine, less sulphur, and a larger proportion of inert ingredients than declared on the label.

On March 24, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 pounds of Niagara Kolo Nicotine Dust at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about March 6, 1933, by the Niagara Sprayer & Chemical Co., Inc., from San Francisco, Calif., and that it was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard of quality under which it was sold.

Misbranding was alleged for the reason that the statements, "Active ingredients: Nicotine not less than 4.0 percent; Sulphur not less than 22.5 percent; Inert Ingredients not over 73.5 percent", borne on the label, were false and misleading and tended to deceive and mislead the purchaser.

On May 17, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*



**1338. Adulteration and misbranding of All-Nu Antiseptic Disinfectant. U. S. v. All-Nu Products Co. Plea of guilty. Fine, \$50. (I. & F. no. 1695. Sample no. 55506-A.)**

This case was based on an interstate shipment of a fungicide that contained a larger proportion of the inert ingredient, water, than declared on the label.

On May 11, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the All-Nu Products Co., a corporation trading at Camden, N. J., alleging shipment by said company, on or about August 28, 1933, from the State of New Jersey into the State of Pennsylvania, of a quantity of All-Nu Antiseptic Disinfectant which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the article was adulterated in that the statement, "Inert Matter 10% Water", borne on the bottle label, represented that its standard and quality were such that it consisted of water in the proportion of not more than 10 percent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, since it contained not less than 16.2 percent of water.

Misbranding was alleged for the reason that the statement "Inert Matter 10% Water", borne on the label, was false and misleading, and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, since it contained more than 10 percent of water.

On May 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1339. Misbranding of Savol Antiseptic. U. S. v. 23 Bottles of Savol Antiseptic. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1704. Sample no. 42571-A.)**

This case involved a product, the labels of which bore false and misleading representations as to its effectiveness as an antiseptic, disinfectant, deodorant, bactericide, and germicide, and as a control for certain insects. The article contained inert ingredients that were not declared as required by law.

On May 7, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 bottles of Savol Antiseptic at Huntingburg, Ind., alleging that the article had been shipped in interstate commerce on or about March 13, 1934, by the Savol Chemical Co., from Mercer, Pa., and charging misbranding in violation of the Insecticide Act of 1910.

It was alleged in the libel that the article was misbranded in that the following statements on the bottle and carton labels, and in a circular shipped with the article, were false and misleading and tended to deceive and mislead the purchaser, (bottle) "Directions: Unless otherwise desired, use diluted Savol consisting of one teaspoonful to a pint of very hot water \* \* \* Diluted Savol is an excellent disinfectant and deodorant in the sick room and in cupboards, sinks, closets etc.", (circular) "Poultry houses should be sprinkled with diluted Savol", (carton) "Savol \* \* \* Destroys \* \* \* Bed-bugs, etc.", (circular) "Savol \* \* \* The ideal antiseptic \* \* \* Savol is an ideal antiseptic, for it quickly destroys all microbes or disease germs \* \* \* it has three times as much germ-destroying power as carbolic acid, \* \* \* Wash dogs with the same strength to free them from vermin, etc. Cupboards that are infested with vermin can be \* \* \* freed from insects by washing them with diluted Savol, \* \* \* Savol \* \* \* it is the most agreeable and efficient antiseptic, disinfectant and deodorant on the market", since the article was not an excellent disinfectant in the places named, and would not disinfect when used in the dilution recommended or when applied by sprinkling; when used as directed it would not destroy bedbugs, etc.; it was not the ideal antiseptic, would not quickly destroy all microbes or disease germs and did not have three times as much germ-destroying power as carbolic acid; when used as directed it would not free dogs of vermin, etc.; would not free cupboards from all insects and/or all vermin; and was not the most agreeable and efficient antiseptic and deodorant in the market.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance, water, which substance does not prevent, destroy, repel, or mitigate insects or fungi, and did not have the name and percentage amount of such inert ingredient plainly and correctly stated on the

label; nor, in lieu thereof, did the label bear a statement of the name and percentage amount of each and every ingredient having insecticidal or fungicidal properties, and the total percentage of the inert ingredient. The label also charged violations of the Food and Drugs Act.

On July 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1340. Adulteration of Paris green. U. S. v. Two 100-Pound Drums and Two 50-Pound Drums of Lacco Brand Paris Green. Default decree of condemnation and destruction. (I. & F. no. 1708. Sample no. 29589-A.)**

This case involved a shipment of Paris green that contained water-soluble arsenious oxide in excess of the amount provided by law, the sample examined having been found to contain 9.92 percent of water-soluble arsenious oxide, whereas the law provides that Paris green shall contain arsenic in water-soluble form equivalent to not more than 3.5 percent of arsenious oxide.

On May 22, 1934, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 100-pound drums and two 50-pound drums of Paris green at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about October 7, 1933, by the Los Angeles Chemical Co., from Los Angeles, Calif., and that it was adulterated in violation of the Insecticide Act of 1910. The article was labeled in part: "Lacco Brand Paris Green Manufactured by Los Angeles Chemical Company, Los Angeles, California."

It was alleged in the libel that the article was adulterated in that it contained arsenic in water-soluble form equivalent to more than 3½ percent of arsenious oxide.

On June 25, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

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